

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, JULY 20, 2015**

A Regular Meeting of the Deltona City Commission was held on Monday, July 20, 2015 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Nancy Schleicher	Present
Commissioner	Heidi Herzberg	Present
Commissioner	Mitch Honaker	Present
Commissioner	Chris Nabicht	Present
Commissioner	Diane Smith	Present
Commissioner	Brian Soukup	Present
City Manager	Jane K. Shang	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Deputy City Manager Dale Baker; Planning & Development Services Director Chris Bowley; Public Works/Deltona Water Director Gerald Chancellor; Finance Director Robert Clinger; Parks & Recreation Director Steve Moore; and VCSO Captain Eagan.

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner Nabicht.

Commissioner Nabicht led everyone in a silent invocation and the pledge to the flag. He asked everyone to keep the families of those military personnel lost in Chattanooga, Tennessee this last week in their thoughts and prayers and Mr. Pizza and his family who has been going through some issues this week.

The National Anthem was sung by Ahba Kuccynski, Senior at Deltona High School.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Regular City Commission Meeting of July 6, 2015.

Motion by Commissioner Herzberg, seconded by Vice Mayor Schleicher to approve the minutes of the Regular City Commission Meeting of July 6, 2015, as presented.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation – Quarterly Reports of City Advisory Boards/Committees.

Mayor Masiarczyk stated the Quarterly Reports are written reports and he asked if anyone wanted to make an oral report and there were none.

6. CITY COMMISSION SPECIAL REPORTS: None.

7. PUBLIC FORUM – Citizen comments for item not on the agenda.

a) Mark Donley, 2091 Nedra Avenue, Deltona, spoke about illegal fireworks, fireworks he collected off the roof of his house, vendors illegally selling fireworks, fireworks being sold at retail cost, purchasers of fireworks not being asked to fill out required forms, calling the Orange City Sheriff's Office regarding the sale of fireworks and nothing being done, and he questioned who enforces the laws regarding fireworks.

Mayor Masiarczyk replied the Commission discussed this issue after the 4th of July and letters were sent to all the State Representatives, Senators, Congressmen, the Governor, etc. but, until the legislature changes the law the City's hands are tied. There is a strong lobby in Tallahassee that put a lot of money into keeping the laws regarding fireworks from being changed and a copy of the letter that was sent was made available to Mr. Donley.

Commissioner Nabicht stated State law prohibits local municipalities and counties from adopting an ordinance regulating fireworks; however, the City has a zoning ordinance that only allows fireworks to be sold in a specific area within the City which is an industrial area that is not developed and there are no fireworks like what was described being sold anywhere in the City. He stated he called the Volusia County Sheriff's Office (VCSO) on July 4th about numerous fireworks going off in his neighborhood. He explained the logistics of the VCSO trying to collect fireworks just physically can not be done and that the problem lies with the State Legislature which is who creates the waiver and statute that governs how fireworks are sold and used in the State of Florida.

Mayor Masiarczyk stated the Commission has done all it can do and it will take an uprising of people to contact their elected officials regarding the issue of fireworks.

b) Eric Raimundo, Community Life Center Board Member, 1185 Outlook Drive, Deltona, asked for favorable consideration of the Community Development Block Grant (CDBG) funding for the Community Life Center and being in favor of keeping the dollars in the City. He also spoke regarding fireworks and that it starts with the legislature, there being an effort already underway which is constantly being brought up to look at the issue of fireworks, there is a strong lobby in Tallahassee in favor of fireworks and keeping the laws as is, he encouraged everyone to attend meetings in Tallahassee or to write letters to Tallahassee because if people do not participate changes will never happen.

c) Michael Putkowski, 2736 Courtland Blvd., Deltona, spoke about the Community Life Center and its dinners which have switched to the third Friday of the month, this month's dinner went exceptionally well, the organization steadily provides for 150 residents, he expressed his and his wife's appreciation for being nominated for the CDBG funds, the organization gives a lot to provide a hand up to the people in the community and not just a hand out.

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2 d) Jack L. Croach, Interim Executive Director of Community Life Center, 2001 Brewster Drive,
3 Deltona, spoke about being proud to serve the people of Deltona, the organization offers groceries,
4 bread, pastries, job fairs, assistance with bills, assistance with utilities, classes for residents to get
5 jobs and it is important that any funds received stay in Deltona. He thanked the Commission for the
6 opportunity and he invited everyone to go by on Tuesday afternoons from 1:00 to 3:00 p.m. or
7 Thursday mornings from 9:00 to 11:00 a.m. to see what the organization is about and to get
8 involved.

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10 e) Louise Clark, Community Life Center Board Member, 1712 North Merrick Drive, Deltona, spoke
11 about volunteering daily at the Community Life Center pantry, there being a significant need in the
12 area where it is located in Deltona and that the organization offers financial literacy programs,
13 referrals to partner agencies and an access center to help with Federal programs. She stated with the
14 CDBG funding the organization can provide assistance for the basic need such as water, residents
15 finding it difficult to travel to DeLand for social services and she asked the Commission to consider
16 the acceptance of the CDBG funds proposed for the Community Life Center.

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18 f) Joe Sullivan, Boys & Girls Club, 1780 Concert Road, Deltona, spoke about receiving the CDBG
19 funds for six (6) years, the organization missing a meeting and not being eligible for the CDBG
20 funds this year, what it costs to run the programs, not being able to afford to lose the money, he
21 realizes there is a process and rules which they did not follow, he gave a history of the organization
22 and he is asking all the surrounding cities for funding and that the program could probably be run
23 without the money but, it gives Deltona a stake in who the club is and what it does.

24
25 Commissioner Soukup asked if the funding is so important to run the club's programs, how could
26 the process not be followed? Mr. Sullivan replied there was a new person writing the grant, there is
27 a new Director who was not on board yet, the club dropped the ball and missed a meeting but, it will
28 not happen next year.

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30 Commissioner Nabicht asked how much money the club estimated it would get from CDBG funding
31 and Mr. Sullivan replied the club has received about \$57,000 over the past seven (7) years, so about
32 \$8,000.

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34 Commissioner Nabicht asked staff what the CDBG funding amount would have been to the Boys &
35 Girls Club and Planning & Development Assistant Director Ron Paradise replied he did not have a
36 figure but, the group requested \$15,000 of funding through this cycle.

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38 Commissioner Honaker stated it is important to set the right example.

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40 g) Norma Walter, Development Director for the Neighborhood Center of West Volusia, 1241 Parker
41 Avenue, Deltona, spoke about wanting to do something for the City, the organization providing
42 emergency food and shelter for people in the West Volusia area as well as transitional housing, a
43 food pantry, help to avoid homeless situations, emergency rental assistance and emergency utility
44 assistance. That approximately 35% to 40% of the people helped are residents of Deltona, the
45 organization helps an average of 20-35 people daily and out of that 10% to 15% are one (1) step
46 away from being homeless, some people end up in the emergency shelter and then move to
47 transitional housing for up to 18 months, the organization is not opposed to being partners with other

social service organizations, the main issue is the obligation to build infrastructure for social services and the group is grateful for being considered for CDBG funding.

Mayor Masiarczyk closed the public hearing.

Mayor Masiarczyk closed the Regular Commission Meeting at 7:08 p.m. and re-opened the Special Commission Meeting at 7:08 p.m.

Mayor Masiarczyk closed the Special Commission Meeting at 8:15 p.m. and re-opened the Regular Commission Meeting at 8:15 p.m.

8. CONSENT AGENDA:

***A. Request for approval of Resolution No. 2015-29, declaring the official intent of the City to support the efforts of Space Florida to create a commercial spaceport – Jerry Mayes, Economic Development Manager (386) 878-8619.**

This item was pulled from the agenda by staff.

9. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing – Resolution No. 2015-28, Southwest Volusia Community Redevelopment Area (CRA) Finding of Necessity – Chris Bowley, Planning & Development Services Department (386) 878-8602.

Mayor Masiarczyk stated he received call today regarding an article that will be coming out concerning Community Redevelopment Agencies (CRA), development and growth in the area.

Mr. Bowley stated the City is taking through a CRA for the Southwest Volusia CRA which is in the southwest part of the City, this approval will update the effort that was done in 2012 and the next step would be to go to the County to get the delegation of authority.

Mr. Bowley introduced the Consultant Bob Gray, President of Strategic Planning Group, who explained that F.S. Chapter 163, Part III, designates how a finding statement is defined, it can be slum or blight, there are 14 criteria set forth and the City met a lot of them (stopped at six (6)) but, only two (2) needed to be met, once approved by the Commission it has to go to the County who will say “yea” or “nay” on the findings, and if approved then the City can move forward with the forming a CRA per the County’s resolution.

Commissioner Herzberg asked if the name of the CRA was “Southwest Volusia Redevelopment Area” and Mr. Gray replied no, it is a redevelopment area now but, once it gets approved as a CRA technically right now it would be the “Southwest Volusia County CRA.”

Commissioner Herzberg asked if it would be the same CRA map, the name does not reference Deltona at all or direct anyone to Deltona, this is Deltona's old downtown, an area that needs help and she asked if the name could be changed because it does not define what it is. Mr. Bowley replied it can be changed to Southwest Deltona.

Commissioner Nabicht requested that the PowerPoint Presentation from the consultant be placed on the City's website under Development Services.

Motion by Commissioner Honaker, seconded by Commissioner Herzberg to approve Resolution No. 2015-28, for the Southwest Volusia Community Redevelopment Area (CRA) to be renamed and to direct staff to seek a Delegation of Authority from Volusia County for creation of the Community Redevelopment Area (CRA).

Mayor Masiarczyk read the title of Resolution No. 2015-28 for the record.

A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT IN THE CITY OF DELTONA; ESTABLISHING A NEW MAP OF THE AREA PROPOSED FOR REDEVELOPMENT; FINDING THE EXISTENCE OF BLIGHTED CONDITIONS IN THE COMMUNITY REDEVELOPMENT AREA IN ACCORDANCE WITH THE CRITERIA OF CHAPTER 163, PART III, FLORIDA STATUTES; MAKING THE FINDINGS OF NECESSITY; ESTABLISHING THE NECESSITY FOR REHABILITATION AND REDEVELOPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.

Resolution No. 2015-28 was adopted at 8:21 p.m.

10. OLD BUSINESS: None.

A. Reaffirmation of appointment of City representative Sandy Lou Gallagher to the Volusia Growth Management Commission (VGMC) for a four (4) year term – Joyce Raftery, City Clerk (386) 878-8502.

Mayor Masiarczyk stated there was a scriveners' error on the appointment of Sandy Lou Gallagher to the Volusia Growth Management Commission (VGMC) and this is to extend the term from two (2) years to four (4) years.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Nabicht, seconded by Vice Mayor Schleicher to reaffirm the Commission appointment of citizen member Sandy Lou Gallagher as the City's representative to the Volusia Growth Management Commission (VGMC) for a four (4) year term to expire on June 30, 2019.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.

11. NEW BUSINESS:

A. Request for approval of Resolution No. 2015-30, to submit the Program Year 2015-2016 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) – Chris Bowley, Planning & Development Services Department (386) 878-8602.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Commissioner Nabicht stated he has respect for the process but, he also recognizes people who run some of these programs are human and mistakes are made. The Boys & Girls Club program are an important and value asset to the community, it continues to be a success, the children should not due without because someone made a mistake and did not get to a meeting, and the children are way more important than any portion of \$147,000 for parking spaces at Dewey O. Boster that the City has done without since the inception of Dewey, as well as \$93,000 for fencing. He recommended taking the money from the Dewey O. Boster parking lot.

Mr. Paradise stated according to the Community Development Block Grant (CDBG) rules the City cannot utilize more than 15% of the total grant allocation which totals a little over \$67,000 for public service activities, so while transferring funds from one (1) project to fund a public service entity may seem like a logical approach, it is not consistent with Housing and Urban Development (HUD) rules and regulations.

The Commission discussed where to find money within the budget for the Boys and Girls Club, not taking money from the other applicants, all the good the Boys and Girls Club does for the community and setting a good example for the children and staff.

Motion by Vice Mayor Schleicher, seconded by Commissioner Smith to approve Resolution No. 2015-30, the Community Development Block Grant Annual Action Plan for Program Year 2015-2016, and transmit the plan to HUD.

Mayor Masiarczyk read the title of Resolution No. 2015-30 for the record.

A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FOR PROGRAM YEAR 2015-2016; AUTHORIZING THE CITY MANAGER TO EXECUTE THE REQUIRED FEDERAL FORMS AND CERTIFICATIONS; AUTHORIZING SUBMITTAL OF THE PLAN; AUTHORIZING THE ADMINISTRATION OF THE PROGRAM; PROVIDING AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.

Resolution No. 2015-30 was adopted at 8:29 p.m.

Mayor Masiarczyk stated he is glad the vote was unanimous, the Commission wanted to send a strong message that it would not be fair to fund the Boys and Girls Club's application after turning down other applications for not completing them. He recommended that Mr. Sullivan bring back a financial update in six (6) months and he will formally entertain a motion to supply the needed funds from the General Fund to support the Boys and Girls Club's activities.

Commissioner Herzberg stated she is a board member of the Boys and Girls Club and she needed to know at what point she could or could not vote on this item and Mrs. Vose replied she could not vote.

Commissioner Smith asked if the same consideration would be given to the other organization that was not able to attend the meeting and Mayor Masiarczyk replied the Commission would have to.

Mr. Paradise stated the other organization is the Center for the Visually Impaired.

Motion by Commissioner Honaker, seconded by Commissioner Soukup to approve adding the Boys & Girls Club to this year's budget under aid to private organizations in the amount of \$10,000 now and to have staff contact the other organization (Center for the Visually Impaired) to come back before the Commission with a brief report within six (6) months for consideration of funding.

Motion carried with members voting as follows:

Commissioner Herzberg	Abstained
Commissioner Honaker	For
Commissioner Nabicht	Against
Commissioner Smith	For
Commissioner Soukup	For
Vice Mayor Schleicher	For
Mayor Masiarczyk	For

12. CITY ATTORNEY COMMENTS: None.

13. CITY MANAGER COMMENTS: None.

A. Lobbyist Update: None.

14. CITY COMMISSION COMMENTS:

a) Commissioner Herzberg stated she is happy that the City is moving the CRA forward and once there is a date to go to the County she would like to encourage the entire Commission to attend that meeting in support of the CRA. She stated she will be calling on both Orange City and DeBary to also attend in support as she attended and supported those City's CRAs.

b) Vice Mayor Schleicher invited the public to attend Representative Santiago's One Volusia Meeting on Friday, July 24th at 10:00 a.m. at the Bill France Speedway. She invited everyone to come out to the Deltona Community Center on Saturday, July 25th for the Senior Breakfast at a cost of \$3. She stated she will not be able to attend the August 10th Workshop because she will be at her 50th Class Reunion but, she will let Ms. Shang know if she has any questions on the topics.

c) Commissioner Smith stated that on the City's website under Solid Waste it lists clearly what trash is picked up, it breaks it down by recycling and the size of the items. At the next workshop Commissioner Herzberg will be briefing the Commission on the Florida League of Cities' stand on

1 solar energy amendment and she asked if she would also be ready to discuss any other resolutions
2 that might be coming before that delegation because it is important that the Commission provide
3 input to whomever is the City's voting delegate on at the conference.
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5 Commissioner Herzberg stated the resolution regarding the sale of solar energy had to be brought up
6 very quickly because there was only a 30 day window to file a brief when it is a Constitutional
7 Amendment, there is some pushback repealing that and it will be addressed at the Volusia League of
8 Cities conference.
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10 Commissioner Smith thanked staff, specifically Steve Moore and Dale Baker, for the new fencing at
11 Keysville Dog Park, that the big dogs were digging under the fences and that she knows there will be
12 some more work that will go on in the Fall. She asked for clarification on the last motion, the
13 Commission asked that the organization come back within six (6) months and she questioned if it
14 would be included in this budget and Mayor Masiarczyk replied it would have to come out of the
15 General Fund and a budget amendment would need to be done.
16

17 d) Mayor Masiarczyk asked who would be attending the Volusia League of Cities dinner in
18 Edgewater. He stated he strongly believes in what Congressman Mica said, that the Governor made
19 a statement to allow the National Guard members to be armed and moved them out of store fronts to
20 armories but, that does not touch the United States armed forces as such. He stated he supports
21 Congressman Mica's statement that if they are good enough to go to Afghanistan with a rifle in
22 their hand, they are trained more so or better than anyone with a concealed carrier permit and they
23 ought to be able to have an armed person in the store fronts. He stated he wanted to send a letter of
24 support from the City Commission and he asked if there was any objection, there was none.
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26 **14. ADJOURNMENT:**
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28 There being no further business, the meeting adjourned at 8:41 p.m.
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32 **ATTEST:**
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John Masiarczyk Sr., Mayor

Joyce Raftery, CMC, City Clerk
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